

Remarks/Arguments:

The pending claims are 1-30 and 40-58. Applicants thank the Examiner for indicating that claims 1-30 have been allowed. Claims 43-58 have been withdrawn from consideration.

Preliminarily, Applicant notes that he filed a Petition For Correction Of Inventorship Of Patent (37 C.F.R. § 1.324) on September 5, 2000. A copy of the first page of the Petition showing a mailing date of September 5, 2000 is attached. Also attached is a copy of a post card receipt confirming that the Petition was received by the PTO. The Petition does not appear as a separate document in PAIR. The Petition does appear in PAIR beginning on page 12 of a Petition For Revival Of An Application For Patent Abandoned Unintentionally under 37 C.F.R. 1.137(b). PAIR also shows that the Petition under 37 C.F.R. § 1.137(b) was granted on May 24, 2005. The Petition For Correction Of Inventorship has not been ruled upon, however. Accordingly, Applicant requests that the Petition for Correction Of Inventorship be considered by the appropriate branch of the PTO and that it be granted.

The specification has been amended by identifying this application as a reissue application and by referring to two other related reissue applications.

Claims 40-42 have been rejected under 35 U.S.C. § 102(e) as anticipated by Martin (U.S. Patent No. 5,575,817). The rejection is traversed.

Claim 40 recites, in part, that the "cylindrical body portion of said liner and portions of said leg portions abut said trunk component and are secured to said trunk component." Martin does not show these features.

The Office Action equates mesh support 7 of Martin to the "trunk component" recited in claim 40.

Martin does not disclose that mesh
support 7 covers substantially the entire trunk liner 3

The Office Action contends that mesh support 7 "covers substantially the entire trunk liner 3, i.e., the graft including its leg portions 4, 5 as indicated in col. 2, lines 37-42." Applicants respectfully disagree. Col. 2, lines 35-42 states:

Another object of the present invention is to provide support to the inverted Y graft in order to prevent it from kinking or twisting once deployed. *This is accomplished by bonding the graft to the inside of a self-expanding, mesh support tailored to the same measurements. The support may be a stent or a*

similar structure. Once the inverted Y graft is deployed, the mesh provides the graft with the necessary support to prevent it from kinking or twisting.

The italicized portion of the above quote is in col. 2, lines 37-42.

The quoted portion does not disclose that mesh support 7 covers substantially the entire bifurcation graft 3. There is no disclosure that the phrase "mesh support tailored to the same measurements" means that the mesh support covers substantially the entire bifurcation graft 3. More specifically, there is no disclosure that the quoted portion means that the measurement of the mesh support is substantially the same as the measurement of the entire bifurcation graft 3.

Instead, the word "measurements" refers to measurements of the patient's arterial anatomy. Specifically, Martin states:

Prior to the initiation of the two stages, the length and diameter of the neck of the aneurysm, the aortic diameter, the length of the aorta from the renal arteries to the bifurcation, and the length of the common iliac arteries are measured by angiography or some other appropriate imaging study. These measurements are used to determine the appropriate dimensions of the graft.

col. 1, lines 54-60 (emphasis added). Accordingly, the "appropriate dimensions" of the Y graft are based upon the measurements of various features of the patient's arterial anatomy.

Then, as indicated in col. 2, lines 38-39, the "mesh support [is] tailored to the same measurements." (emphasis added). When the specification states that the mesh support is "tailored" to the "same measurements," there is no disclosure that "tailored" means that the mesh support has the same dimensions as the graft. "Tailored" only means that the dimensions of the mesh support are "tailored" to the same measurements of the patient's arterial anatomy that formed the basis to determine the appropriate dimensions of the graft. There is no disclosure that tailoring the dimensions of the mesh support results in the mesh support covering substantially the entire graft.

In addition, the figures do not illustrate any embodiment of the Martin device where the mesh support covers substantially the bifurcation graft 3. Fig. 1 illustrates the presence of a mesh support in only four places. The first place, indicated by reference number 9, is at the top of the graft. The second place, indicated by reference number 7, is just below the mesh indicated by reference number 9. Meshes 7 and 9 are both well above the place where the graft bifurcates into legs 4 and 5. The third place where a mesh is shown is near the end

of leg 4. The fourth place where a mesh is shown is near the end of leg 5. There is no indication in Fig. 1 that there is a mesh support that covers substantially the entire trunk liner 3. Fig. 4 is consistent with Fig. 1 in that Fig. 4 shows mesh support 7 only at the top of the graft. Fig. 4 does not provide any indication that there is a mesh support that covers substantially the entire bifurcation graft 3.

Martin does not disclose that "portions of said leg portions abut said trunk component and are secured to said trunk component"

Martin does not disclose that "portions of said leg portions abut said trunk component." The Office Action contends that Martin discloses the radially outward portion of "trunk liner 3" abuts the inner surface of trunk component 7 where trunk liner 3 and trunk component 7 are bonded together. The Office Action, however, does not explain the basis for its implied contention that Martin discloses that "portions of said leg portions abut said trunk component."

The Office Action contends that mesh support 7 not only covers substantially the entire bifurcation graft 3, but also its leg portions 4 and 5. As explained above, Martin provides no basis for this contention. Fig. 1 of Martin, for example, discloses mesh supports only in limited portions of the legs 4 and 5. There is no disclosure in Martin that its legs 4 and 5 have mesh support anywhere other than at the limited locations illustrated or that the limited mesh supports in its legs are part of, or extensions of, mesh support 7. Instead, Fig. 1 illustrates the opposite. Fig. 1 illustrates that the mesh supports in legs 4 and 5 are separate from, and not connected to, mesh support 7. Accordingly, Martin does not disclose that "portions of said leg portions [4, 5] abut said trunk component" 7.

Martin also does not disclose that "portions of said leg portions. . .are secured to said trunk component." As shown above, trunk component 7 does not extend into leg portions 4, 5. For that reason alone, Martin does not disclose that portions of leg portions 4, 5 are secured to mesh support 7. Even if it is assumed that mesh support 7 does extend into leg portions 4, 5 (which extension is not conceded), Martin does not disclose that portions of leg portions 4, 5 are secured to mesh support 7. Instead, Martin discloses only one place where its bifurcation graft 3 is attached to mesh support 7: at upper line 12 in Fig. 1 that is disposed between elements 7 and 9: More specifically, Martin states:

The line of attachment of the section to the support may be marked with fine platinum wire 12 for heightened fluoroscopic visibility. (col. 3, lines 19-22)

Appln. No.: 09/657,041
Amendment Dated May 17, 2007
Reply to Office Action of January 18, 2007

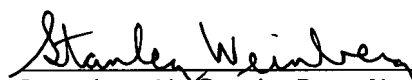
BSI-430US8

According to Martin, therefore, the mesh support is attached to the graft only at this one location, thereby excluding any other point of attachment. Accordingly, there is nothing in Martin disclosing that "portions of said leg portions. . . are secured to said trunk component."

For all of the above reasons, claim 40 and dependent claims 41-42 are not subject to rejection under 35 U.S.C. § 102(e) as anticipated by Martin and their allowance is respectfully requested.

Applicant also requests that his Petition For Correction Of Inventorship Of Patent under 37 C.F.R. § 1.324 be granted.

Respectfully submitted,


Jonathan H. Spadt, Reg. No. 45,122
Stanley Weinberg, Reg. No. 25,276
Attorneys for Applicant

JHS/SW/dhm

Encls.: Copy of first page of Petition for Correction of Inventorship of Patent
Copy of post card receipt

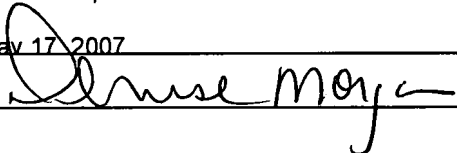
Dated: May 17, 2007

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May 17, 2007



Applicant: Leonard Pinchuk

: Art Unit: 3738

Patent No.: 5,855,598

: Examiner: M.

Issued: January 5, 1999

Milano

For: EXPANDABLE SUPPORTIVE BRANCHED ENDOLUMINAL GRAFTS

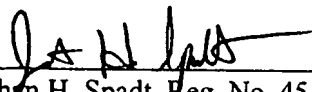
PETITION FOR CORRECTION OF INVENTORSHIP OF PATENT
(37 C.F.R. § 1.324) AND BROADEN REISSUE PATENT APPLICATIONAssistant Commissioner for Patents
Washington, D.C. 20231

S I R :

Enclosed please find the following:

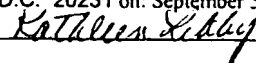
1. Petition for Correction of Inventorship of Patent (37 C.F.R. § 1.324);
2. Statement Pursuant to 37 C.F.R. § 1.324(b)(1) executed by Rysler Alcime;
3. Statement Pursuant to 37 C.F.R. § 1.324(b)(1) executed by Yasushi Kato;
4. Statement Pursuant to 37 C.F.R. § 1.324(b)(2);
5. Statement of Consent of Assignee to Change of Inventorship Pursuant to 37 C.F.R. § 1.324(b)(3);
6. Recordation Form Cover Sheet;
7. Assignment;
8. Broaden Reissue Patent Application Transmittal form and enclosures listed thereon;
9. Reissue Application Fee Transmittal form;
10. Copy of the Patent along with a copy of the drawings;
11. Declaration and Power of Attorney;
12. Offer to Surrender in Support of Reissue; and
13. Consent of Assignee to Reissue.

Respectfully Submitted,


Jonathan H. Spadt, Reg. No. 45,122

JHS/nr

Dated: September 5, 2000

Suite 301, One Westlakes,
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Valley Forge, PA 19482-0980
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Patents is hereby authorized to charge
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NAME: L. Pinchuk et. al.

DOCUMENTS _____

Petition for Correction of Inventorship of Patent (37 C.F.R. § 1.324); Statement Pursuant to 37 C.F.R. § 1.324(b)(1) executed by Rysler Alcime and by Yasushi Kato (2 forms); Statement Pursuant to 37 C.F.R. § 1.324(b)(2); Statement of Consent of Assignee to Change of Inventorship Pursuant to 37 C.F.R. § 1.324(b)(3); Recordation Form Cover Sheet; Assignment; Reissue Patent Application Transmittal form and enclosures; Reissue Application Fee Transmittal form; Copy of the Patent w/ drawings; Declaration and Power of Attorney; Offer to Surrender in Support of Reissue; and Consent of Assignee to Reissue; return post card

Patent No. 5,855,598